



Attorney Docket No. 033462-001 Patent

3635  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tony Pervan

Application No.: 09/343,696

Filing Date: June 30, 1999

Title: METHOD FOR JOINING BUILDING BOARD

Group Art Unit: 3635

Examiner: Y. Horton

Confirmation No.: 8240

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☒ Also enclosed is/are Certificate of Service and Request for Refund of Extension of Time Fee

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
on \_\_\_\_\_  
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	43	MINUS 43 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 5 =	0	x \$88.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$300.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

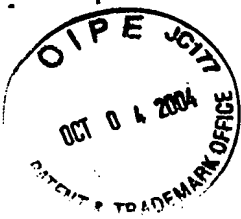
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By William C. Rowland  
 William C. Rowland  
 Registration No. 30,888

Date: October 4, 2004



Patent  
Attorney's Docket No. 033462-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Tony Pervan	)	Group Art Unit: 3635
	)	
Application No.: 09/343,696	)	Examiner: Y. Horton
	)	
Filed: June 13, 1999	)	Confirmation No.: 8240
	)	
For: METHOD FOR JOINING BUILDING	)	
BOARD	)	

**REQUEST FOR REFUND OF EXTENSION OF TIME FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Communication dated September 20, 2004, the Examiner alleges that the Response filed on July 2, 2004 included certain omissions or errors. However, applicant submits that the response filed on July 2, 2004 is a bona fide attempt to comply with the requirements set forth in the Office Communication dated June 2, 2004. Furthermore, applicant further submits that certain statements in the communication dated June 2, 2004 created some confusion resulting in the alleged non-compliance with the submission on July 2, 2004.

Specifically, in the Communication dated June 2, 2004, the Office Action states "Also, to avoid confusion within the Office, please submit correspondences from this time forward with either 09/343,696 or 90/005,744 and not both." In response to that statement, applicant submitted just one reply.

Accordingly, applicant submits that the Reply filed on July 2, 2004 constitutes a bona fide attempt to comply with the Office Action of June 2, 2004, and therefore that applicant should be given one month from the date of the September 20, 2004 communication in which to respond.

Furthermore, applicant believes that they are prejudiced by the more than two-and-a-half month delay between the submission of the response on July 2, 2004 and the communication dated September 20, 2004. Given that the above action should be handled on an expedited basis, applicant submits that the two-and-a-half month delay is not reasonable.

For all the foregoing reasons, applicant submits that the fee for the extension of time submitted concurrently herewith be refunded to applicant's attorney's deposit account no. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 4, 2004

By: William C Rowland  
William C. Rowland  
Registration No. 30,888

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Alexandria, Virginia 22313-1404  
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**CERTIFICATE OF SERVICE**

It is hereby certified by the undersigned that a true copy of the foregoing Amendment, Request for Refund of Extension of Time Fee and Petition for Three Month Extension of Time were mailed, first-class, postage prepaid, to:

Thomas P. Pavelko, Esq.  
Stevens, Davis, Miller & Mosher, LLP  
1615 L Street, NW  
Washington, D.C. 20036  
Attorney for Third-Party Requestor

Attorneys for Patentee, this 4<sup>th</sup> day of October, 2004

  
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William C. Rowland